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9 *Attorneys for Plaintiff*  
10 **TRENT WEST**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**TRENT WEST,**

Case No.5:07-cv-1812 JF (HRL)

**Plaintiff,**

v.

**JEWELRY INNOVATIONS, INC.,  
TOSYALI INTERNATIONAL, INC.  
(dba BENCHMARK), NORTHSTAR  
DIAMOND, INC. (dba TUNGSTEN  
MAGNUM), A JAMAIIS DESIGNS,  
INC. (dba INFINITY RINGS), and  
CROWN RING, INC.,**

**STIPULATION BETWEEN WEST AND  
CROWN RING TO PERMIT ENTRY OF  
WEST'S FIRST AMENDED  
INFRINGEMENT CONTENTIONS AS TO  
CROWN RING FOR GOOD CAUSE  
UNDER PATENT L.R. 3-7  
AND ORDER**

**Defendants.**

**And Related Cross-Actions**

Plaintiff Trent West (“West”), by and through his undersigned counsel of record, and Defendant Crown Ring, Inc. (“Crown”), by and through its undersigned counsel of record, have agreed and stipulate under Civil L.R. 7-12 that good cause exists under Patent L.R. 3-7 to permit entry of West’s First Amended Infringement Contentions, which are submitted herewith for the Court’s review. A similar reciprocal stipulation seeking to permit entry of Crown’s amended invalidity contentions is forthcoming.

1           Fact discovery has progressed towards closing on December 5, 2008, and expert reports  
 2 by the party with the burden of proof on an issue are to be served by November 25, 2008.  
 3 Documents have been produced by the parties, and fact witness depositions have been taken.  
 4 While additional production and depositions may occur before the close of discovery, West and  
 5 Crown believe it is prudent, fair and justified to permit amendment to their infringement and  
 6 invalidity contentions for good cause in order to prepare for filing of expert reports and to  
 7 facilitate their supplemental responses to certain contention interrogatories before the close of  
 8 fact discovery. Thus, West and Crown seek leave of the Court, based upon this stipulation as to  
 9 good cause, to permit amendment of their infringement and invalidity contentions to conform  
 10 their contentions to the evidence which has been made of record thus far in this matter.

11           West and Crown have agreed that the scope of their stipulation for good cause under  
 12 Patent L.R. 3-7 shall extend only to permitting entry of amendments based upon or arising  
 13 directly from the content of evidence which has been made of record through production of  
 14 documents or fact witness depositions. West and Crown agree that a party may not amend to  
 15 add contentions based upon evidence that has not been disclosed to the other party directly  
 16 through production of documents or through deposition testimony made of record thus far.

17           Accordingly, West and Crown request that the Court issue an Order, for good cause  
 18 shown, permitting entry of West's First Amended Infringement Contentions Against Defendant  
 19 Crown Ring, which have been submitted herewith for the Court's review. Crown's counsel has  
 20 reviewed these contentions and confirms that West's amendments conform to the scope of the  
 21 parties' above articulated agreement. Similar amended invalidity contentions submitted by  
 22 Crown will follow shortly upon their completion and West's counsel's review for agreement  
 23 conformance. West's counsel files this stipulation having received Crown's counsel's consent.

24 KING & KELLEHER

TROJAN LAW OFFICES

25 By: /s/Alvin B. Lindsay  
 26 Alvin B. Lindsay

By: /s/R. Joseph Trojan  
 R. Joseph Trojan

27 Attorneys for Plaintiff Trent West

Attorneys for Defendant Crown Ring, Inc.

28 Date: October 28, 2008

Date: October 28, 2008

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED** that West's First Amended  
2 Infringement Contentions Against Defendant Crown Ring shall be deemed entered based upon  
3 good cause appearing therefor under Patent L.R. 3-7.

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5 DATED: October 29, 2008

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Hon. Jeremy Fofel  
Judge, U.S. District Court – N.D. Cal.

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